

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

13 NOV 20 AM 12:00

OFFICE OF THE CLERK

4:13CR3136

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAY L. LINEWEBER,

Defendant.

INDICTMENT
29 U.S.C. § 501(c)
18 U.S.C. § 1341
29 U.S.C. § 439(c)

The Grand Jury charges that

COUNT I

Between on or about January 2008 and May 2012, in the District of Nebraska, Defendant Ray L. Lineweber, while employed as Legislative Director of Nebraska State Legislative Board 30 of the United Transportation Union, a labor union engaged in an industry affecting commerce, did embezzle, steal, and unlawfully and willfully abstract and convert to his own use, the monies, funds, securities, property and other assets of said labor organization in the approximate amount of \$102,907.07.

In violation of Title 29, United States Code, Section 501(c).

COUNTS II-XV

From on or about January 2008 to on or about May 2012, in the District of Nebraska and elsewhere, Defendant Ray L. Lineweber, with the intent to defraud, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

It was part of the scheme and artifice that Defendant Ray L. Lineweber, in his capacity as Legislative Director of Nebraska State Legislative Board 30 of the United Transportation Union, prepared and submitted correspondence sent via the United States mail, from his home and/or office in Lincoln, Nebraska, to Kim N. Thompson, General Secretary and Treasurer of the

United Transportation Union in Cleveland, Ohio, requesting reimbursement for food, entertainment, receptions and meetings, mileage, per diem, or other expenses he claimed to have incurred as part of his duties as Legislative Director, that contained falsified, manufactured, misleading, and inaccurate information.

It was further part of the scheme and artifice that Defendant Ray L. Lineweber received reimbursement for those false, manufactured, misleading and inaccurate expenses he submitted from Kim N. Thompson or other representative of the United Transportation Union, via United States mail to his Lincoln home, sent from the United Transportation Union headquarters in Cleveland, Ohio.

It was further part of the scheme or artifice that Defendant Ray L. Lineweber, after receiving payment for the false, manufactured, misleading and inaccurate expenses deposited the funds paid to him by the United Transportation Union, into his personal bank account and converted the funds to his own personal use.

On or about the dates listed below, in the District of Nebraska, Defendant Ray L. Lineweber, for the purpose of executing and attempting to execute the scheme and artifice set forth above, knowingly placed and caused to be placed in a post office or authorized depository for mail, to be sent and delivered by the postal service, the following matter:

<u>COUNT</u>	<u>DATE</u>	<u>FROM</u>	<u>TO</u>	<u>DOCUMENT</u>
II	12/23/2008	Ray Lineweber	Kim N. Thompson	Letter requesting reimbursement for \$750.00 in expenses.
III	6/6/2009	Ray Lineweber	Kim N. Thompson	Letter requesting reimbursement of \$1,189.42 in expenses.
IV	8/30/2009	Ray Lineweber	Kim N. Thompson	Request of reimbursement for mileage and per diem expenses.
V	12/10/2009	Ray Lineweber	Kim N. Thompson	Letter requesting reimbursement of \$1,047.30 in expenses.

VI	3/30/2010	Ray Lineweber	Kim N. Thompson	Letter requesting \$654.50 and \$279.02 in expenses.
VII	6/29/2010	Ray Lineweber	Kim N. Thompson	Request of reimbursement for mileage and per diem expenses.
VIII	11/14/2010	Ray Lineweber	Kim N. Thompson	Letter requesting \$1,678.80 and \$145.42 in expenses.
IX	4/9/2011	Ray Lineweber	Kim N. Thompson	Letter requesting \$178.32 in expenses.
X	5/28/2011	Ray Lineweber	Kim N. Thompson	Request of reimbursement for mileage and per diem expenses.
XI	7/8/2011	Ray Lineweber	Kim N. Thompson	Letter requesting \$986.50 and \$252.81 in expenses.
XII	9/23/2011	Ray Lineweber	Kim N. Thompson	Letter requesting \$309.65 in expenses.
XIII	9/30/2011	Ray Lineweber	Kim N. Thompson	Request of reimbursement for mileage and per diem expenses.
XIV	12/20/2011	Ray Lineweber	Kim N. Thompson	Letter requesting \$281.56 in expenses.
XV	12/31/2011	Ray Lineweber	Kim N. Thompson	Request of reimbursement for mileage and per diem expenses.

In violation of Title 18 United States Code, Section 1341.

COUNTS XVI-XXIX

At all times material to Counts XVI - XXIX of this Indictment, Nebraska State Legislative Board 30 of the United Transportation Union, was a labor organization engaged in an industry affecting commerce and subject to the Labor Management Reporting and Disclosure Act of 1959, Title 29, U.S.C. § 401 et. seq. and was required to file an annual report with the Secretary of Labor.

COUNT XVI

On or about December 23, 2008, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union, in Cleveland, Ohio, requesting reimbursement of \$750.00 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2008.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XVII

On or about June 6, 2009, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$1,189.42 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2009.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XVIII

On or about August 30, 2009, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement for mileage and per diem expenses he claimed occurred between August 24, 2009, and August 30, 2009; a record on

matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XIX

On or about December 10, 2009, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$1,047.30 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2009.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XX

On or about March 30, 2010, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$654.50 and \$279.02 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2010.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXI

On or about June 29, 2010, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement for mileage and per diem expenses he claimed occurred between June 1, 2010 and June 10, 2010; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2010.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXII

On or about November 14, 2010, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$1,678.80 and \$145.42 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2010.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXIII

On or about April 9, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer,

United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$178.32 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXIV

On or about May 28, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement for mileage and per diem expenses he claimed occurred between May 15, 2011 and May 21, 2011; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXV

On or about July 8, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$986.50 and \$252.81 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXVI

On or about September 23, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of \$309.65 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXVII

On or about September 30, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement for mileage and per diem expenses he claimed occurred between September 6, 2011 and September 11, 2011; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

All in violation of Title 29, United States Code, Section 439(c).

COUNT XXVIII

On or about December 20, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement of

\$281.56 from the Special Expense Allowance; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.


All in violation of Title 29, United States Code, Section 439(c).


COUNT XXIX

On or about December 31, 2011, in the District of Nebraska, Defendant Ray L. Lineweber, did willfully make a false entry in a record required to be kept by Section 436 of Title 29, United States Code, that is: correspondence to Kim N. Thompson, General Secretary and Treasurer, United Transportation Union in Cleveland, Ohio, requesting reimbursement for mileage and per diem expenses he claimed occurred between December 4, 2011 and December 13, 2011; a record on matters required to be reported in the annual financial report of the United Transportation Union, which was required to be filed with the Secretary of Labor, for such labor organization's fiscal year ending on December 31, 2011.

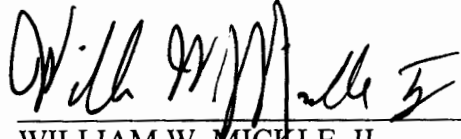
All in violation of Title 29, United States Code, Section 439(c).

A TRUE BILL.


FOREPERSON


DEBORAH R. GILG
United States Attorney
District of Nebraska

The United States of America requests that trial of this case be held in Lincoln, Nebraska, pursuant to the rules of this Court.



WILLIAM W. MICKLE, II
Assistant U.S. Attorney